

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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CSC HOLDINGS, INC.,

Plaintiff,

- against -

ROBERT HUGHES,

Defendant.

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ORDER

CV 05-1125 (ADS) (JO)

JAMES ORENSTEIN, Magistrate Judge:

On June 30, 2005, pursuant to Rule 26(f) of the Federal Rules of Civil Procedure, I ordered the parties to appear for an initial planning conference on July 29, 2005. Docket Entry ("DE") 5. On July 28, 2005, plaintiff's counsel asked that the conference be cancelled, and reported that the parties had reached an agreement to settle the case and that a stipulation of discontinuance would be filed no later than August 29, 2005. DE 7. In response to that request, I entered the following order:

The initial conference scheduled for July 29, 2005 is adjourned until September 6, 2005, at 10:00 a.m. The conference will be cancelled if a stipulation of discontinuance pursuant to Rule 41 is filed by August 29, 2005. Counsel for the plaintiff is directed to serve a copy of this order on the defendant upon receipt.

Endorsed Order on DE 7 (Jul. 28, 2005).

No stipulation of discontinuance was filed, and neither the plaintiff's counsel nor the *pro se* defendant appeared as required. Plaintiff's counsel of record, Wayne R. Louis, when reached by telephone, explained that he had assigned the matter to an associate. Such explanation is insufficient. Counsel is directed either to submit an executed stipulation of discontinuance by September 9, 2005, or to contact the defendant and then contact chambers to

arrange a new date for the initial conference no later than September 16, 2005. In addition, counsel must submit a letter no later than September 9, 2005, explaining his absence from the initial conference and showing good cause why an appropriate sanction should not be imposed pursuant to Fed. R. Civ. P. 37(b)(2) for his failure to obey an order entered under Rule 26(f).

Plaintiff's counsel is further directed to serve a copy of this Order on the defendant and file a certificate attesting to such service.

SO ORDERED.

Dated: Central Islip, New York
September 6, 2005

/s/ James Orenstein
JAMES ORENSTEIN
U.S. Magistrate Judge